



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel  
Aviation Litigation Division, AGC-300

800 Independence Ave, SW  
Washington, DC 20591

**U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED**  
**FIRST-CLASS MAIL**  
**EMAIL**

September 17, 2024

President  
Space Exploration Technologies Corp  
1 Rocket Rd  
Hawthorne, CA 30250

(Certified and First-Class Mail Only)

President  
Space Exploration Technologies Corp

(Email Only)

(b) (6), (b) (7)(C)

RE: *Space Exploration Technologies*, Case No. 2023WA990031

**NOTICE OF PROPOSED CIVIL PENALTY**

Based on the following facts and circumstances, it appears that Space Exploration Technologies (SpaceX) violated the regulations of the Federal Aviation Administration:

1. At all times mentioned herein, SpaceX was the holder of launch license number LLO 19-110, authorizing the launch of Falcon 9 launch vehicles from Launch Complex 39A (LC-39A) at Kennedy Space Center, Florida.
2. SpaceX's launch license incorporated SpaceX's September 2015 LC-39A Explosive Site Plan.
3. The September 2015 Explosive Site Plan identified the location of SpaceX's rocket propellant farm (RP-1).
4. On July 19, 2023, SpaceX submitted to the FAA a proposed launch license update reflecting a new rocket propellant farm.

5. On July 26, 2023, the FAA informed SpaceX that the FAA would not approve a modification to SpaceX's launch license to permit a new RP-1 prior to a scheduled July 28, 2023 launch.
6. On July 28, 2023, SpaceX conducted a launch of the Falcon Heavy Echostar XXIV/Jupiter 3 mission.
7. During the launch described in paragraph 6, above, SpaceX utilized a new RP-1 farm that was not included in its explosive site plan to fuel the launch vehicle.

By reason of the foregoing, it appears that SpaceX failed to comply with the following Federal Aviation Regulations:

- (a) 14 C.F.R. § 417.9(c), which states that for a launch from an exclusive-use site, where there is no licensed launch site operator, a launch operator must satisfy the requirements of this part and the public safety requirements of part 420 of this chapter.
- (b) 14 C.F.R. § 417.11(a), which states that a launch operator must ensure the representations contained in its application are accurate for the entire term of the license. A launch operator must conduct a licensed launch and carry out launch safety procedures in accordance with its application.
- (c) 14 C.F.R. § 417.417(b)(2), which states that a launch operator must ensure that only those explosive facilities and launch points addressed in the explosive site plan are used and only for their intended purposes.
- (d) 14 C.F.R. 420.63(a), which states that except as otherwise provided by paragraph (b) of this section, a licensee must ensure the configuration of the launch site follows its explosive site plan, and the licensee's explosive site plan complies with the requirements of §§ 420.65 through 430.70.

Pursuant to 49 U.S.C. § 50917(c), as adjusted for inflation pursuant to 14 C.F.R. § 406.9(a), SpaceX is subject to a civil penalty not to exceed \$283,009 for each violation of the Federal Aviation Regulations. After reviewing all the information contained in our investigative file, we propose to assess a civil penalty in the amount of \$283,009.

Enclosed is information on SpaceX's options in responding to this Notice. The options include participating in an informal conference with an FAA attorney and submitting information to the FAA for consideration. SpaceX must submit, in writing, its choice of the alternatives explained on the enclosed information form within 30 days of receiving this Notice. If SpaceX fails to submit its choice within 30 days of its receipt of this Notice, it will have no further right to participate in the informal procedures.

To the extent possible, please serve all documents on the assigned FAA attorney by email.

Taneesha D. Marshall  
Assistant Chief Counsel  
for Aviation Litigation

By: *Ryan Landers*  
For Raymond Carver, Attorney  
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Washington, DC 20591  
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Enclosures: Information Sheet and Reply Form

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Notice of Proposed Civil Penalty has been sent by certified mail and regular mail to:

President  
Space Exploration Technologies Corp  
1 Rocket Rd  
Hawthorne, CA 30250

I hereby certify that the foregoing Notice of Proposed Civil Penalty has been sent by email to:

President  
Space Exploration Technologies Corp  
(b) (6), (b) (7)(C)  
[Redacted]  
[Redacted]

**JEAN PATRICIA SMITH** Digitally signed by JEAN PATRICIA SMITH  
Date: 2024.09.17 08:17:31 -04'00'

Jean P. Smith  
Management & Program Analyst, AGC-10  
Federal Aviation Administration

Date: September 17, 2024